IN THE HIGH COURT OF JUDICATURE AT BOMBAY.

CIVIL APPELLATLE JURISDICTION

WRIT PETITION NO. 2781 OF 1998.

Shri Shekhar Shiodas Barle.... ....
Petitioner.
V/s
State of Maharashtra & Ors... ...
Respondents.

Shri R.K. Mendadkar, Adv. For the petitioner.

Shri C.R. Sonawane, AGP for respondents.

CORAM: V.G. PALSHIKAR, Ag. C.J.

AND
D.B. BHOSALE, J.

6th Dec., 2005.

ORAL JUDGMENT: (**Per Palshikar, J.**)

By this petition the petitioner has challenged the order passed by the Caste Scrutiny Committee invalidating the caste certificate obtained by the petitioner.

2. With the assistance of the learned advocates for parties we have scrutinized the impugned order and heard the arguments of the learned advocate for the petitioner. The following contentions were raised:

i) Report of the Vigilance Committee (Cell) was not given to the petitioner and therefore injury of substantial nature was caused to the rights of the petitioner;

ii) The finding of the Committee that the petitioner belonged to Telangi caste is not correct. Telangi is not a caste but a dialect and therefore the Committee has caused miscarriage of justice in relation to the petitioner;

iii) Documents filed by the petitioner were not considered;

iv) Law laid down by the Supreme Court of India in the case of ***Madhuri Patil*** v. ***Addl.Commr., Tribal Development,*** AIR 1995 SC 94 is not followed.

We will deal with each contention as raised by the learned advocate for the petitioner.

3. That the petitioner was not given copy of the Vigilance Cell report, this was not contended by him either before the Committee or before this Court. There is no averment in the petition that the copy was not given and that not giving of the copy has caused any injury to the petitioner. In such circumstances the submission that the principles of natural justice have been violated is baseless.

4. Telangi is a caste and not a dialect as claimed by the petitioner.

However the submission is irrelevant since the petitioner contended that he belongs to Mannewar tribe and that claimed is negatived.

5. The submission that the documents were not considered by the Committee is baseless as scrutiny of the Committee's order will show that documents tendered by the petitioner were considered by the Committee.

6. All the directions given by the Supreme Court of India for verification of caste certificate or validation of caste certificate have been followed in the present case. Vigilance Committee was asked to report, it has reported, the documents were considered. Then it is observed by the Committee that the candidate has not been able to establish socio-cultural affinity and ethnic linkage with the genuine Mannewar Scheduled Tribe. It shows that the Committee had in mind all the directions and guidelines framed by the Supreme Court of India. It cannot therefore be said that the impugned order in any manner violates those guidelines or has failed to observe those guidelines. There is therefore no substance in this petition and the same is liable to be dismissed.

7. However it is observed that the petitioner was in service prior to 15.6.1995 and his services are protected by the Resolution dated 15.6.1995 passed by the Government of Maharashtra. Petitioner therefore shall be at liberty to seek protection of the Government

Resolution dated 15.6.1995 in relation to his service. Except for the liberty so granted to the petitioner, petition fails and is dismissed.